

**OPENING STATEMENT OF THE HONORABLE ASA HUTCHINSON
BEFORE THE
SENATE COMMITTEE ON COMMERCE
JANUARY 21, 2003**

Chairman McCain, Senator Hollings, distinguished Members of the Committee, I am delighted and honored to appear before you today. I am grateful for the confidence President Bush has expressed by nominating me to serve as our nation's first Under Secretary for Border and Transportation Security.

Thank you also for the hard work and leadership you have provided over the last 16 months to the enormous task of securing our homeland. Your swift action in passing the Patriot Act, the Aviation and Transportation Security Act, the Maritime and Rail Security Acts, and now the Homeland Security Act, has been crucial in our effort to protect against threats from those both here and abroad who would do us harm.

Mr. Chairman, sixteen months ago I took the reins of an agency with a singular focus on fighting what many perceived as an unbeatable foe – the problem of illegal drugs. At the time, I viewed the responsibility that President Bush and the Senate entrusted to me as a noble endeavor critical to our nation's future, and I continue in that belief today. It has been my great privilege to serve alongside some of the finest women and men in law enforcement. I have been humbled by their dedicated service, extraordinary courage, and excellent work and would like to thank them publicly for their efforts, their support and their achievements. Great strides have been made in the fight against drugs in the last year and a half, and I know that the men and women of the DEA will achieve even greater success in the months and years to come.

Chairman McCain and Members of the Committee, the character of our nation has been tested over the last year and a half. We experienced the most devastating attack on American soil since Pearl Harbor, and we have been changed. Unfortunately, vulnerabilities from which we had been insulated for decades became entirely too real to many of us. But the September 11 attacks also gave us a new sense of patriotism and responsibility for our neighbors. It united us in our resolve to find and punish those responsible but it also united us in our resolve to protect our freedoms, our communities and our future. It is this task to which you have devoted much of your last 16 months of service in the Senate, and it is this task to which I have now been called by the President. This, too, is essential for our nation's future.

As Governor Ridge stated just last week, we are at the beginning of what will be a long struggle to protect our Nation from terrorism. While much has been accomplished, there is much more work to do. The men and women who responded on September 11 and the days following by coming to the aid of those affected by the attacks, secure our borders and critical infrastructure, and by pursuing those responsible, have taken the important first steps toward protecting the homeland in this new era.

The President and Congress quickly followed by enacting various legislative measures to assist those men and women in that mission, the most significant of which, the Homeland Security Act, consolidates 22 of the federal agencies with responsibility for protecting the homeland into a single agency whose primary focus is protecting the Homeland. Governor Ridge and Secretary England have been selected by the President to lead this important component of homeland protection. If confirmed to serve as the Under Secretary for Border and Transportation Security (BTS), I, too, will join them and the nearly 100,000 employees who currently serve in agencies that will transfer into BTS, in this effort.

The President has set forth a comprehensive plan with tangible benchmarks to measure success through the *National Strategy for Homeland Security*. As part of that strategy, the Under Secretary for Border and Transportation Security has been given jurisdiction in the Homeland Security Act over the functions currently performed by Customs Service, INS, including Border Patrol, Federal Protective Service, the Federal Law Enforcement Training Center (FLETC), TSA and a new Office of Domestic Preparedness. The specific mission is to prevent the entry of terrorists and the instruments of terrorism while ensuring the speedy, orderly and efficient flow of lawful traffic and commerce. Should I be confirmed to serve as Under Secretary for Border and Transportation Security, I would commit wholeheartedly to fulfill that mission by striving to meet these more specific goals:

- 1) Bringing the incorporated agencies on board at the Department of Homeland Security in an orderly and well-managed fashion.

Our efforts to meet this significant challenge are well under way. I have been meeting with the principals of the agencies whose functions will be assimilated into BTS. We have established several high-level working groups to address functional alignment and organizational issues. There is still much to be done, and I am working closely with the other Under Secretaries to ensure smooth coordination of cross-directorate issues.

- 2) Accomplishing significant reorganization of the Border and Transportation Security agencies with appropriate approval and oversight by the United States Congress.

Congress recognized that in this consolidation there would be areas of significant overlap in responsibilities and capabilities. I have been working diligently with the agency heads to prepare a plan for the consolidation of responsibilities and capabilities into a logical organization that makes sense. The guiding principal is to align like functionalities and complimentary capabilities while ensuring the continuity of operations, leading to increased national security readiness.

- 3) Enhancing the human intelligence gathering and sharing within the Border and Transportation Security agencies.

As I have learned at DEA, human intelligence is often the most valuable. We use the expression “ground truth” in everyday conversation to mean something that we know is unequivocally true. That expression comes from the intelligence community, where “ground truth” truly validates other sources of information. Obtaining this requires having agents in place with experience, connectivity and support that ensures their ability to obtain needed information and pass it securely to operational commanders. We must also improve interagency information-exchange connectivity to provide critical information to the officers in the field when they needed. I am engaged with the Directorate for IA/IP and all assimilating agencies to ensure that BTS intelligence requirements are understood and addressed appropriately.

- 4) Bringing together the inspection functions at the port of entries within a unified chain of command structure, the result being a more secure border.

This is the key element under my guiding principal for BTS reorganization. We must field a single unified presence at the border, especially at the ports of entry. It must include unity of command that can effectively plan unified, mutually supporting operations and quickly respond to emergent situations, redirecting resources as necessary.

- 5) Improving the technology used on the border and in the transportation systems to enhance the flow of commerce while detecting and detaining unlawful cargo.

Improved technology and increased early knowledge of incoming travelers and goods passing through our ports of entry is the key to enhancing our capability to “sort the wheat from the chaff.” We must improve our ability to identify terrorists and their supporters and the chemicals, equipment and materials intended to harm our nation and its people, while at that same time we must minimize impacts to legitimate travelers and goods that are the economic engine of our nation.

- 6) Developing visa issuance regulations, training and staffing to reduce the abuse of our visa program by those wishing to harm America.

Congress has mandated a new and critical element for our nation's security by requiring the development of improved security procedures for visa issuance and implementation of third party oversight of visa issuance in our nation's embassies. We intend to develop a strong and effective program to assure that only those with legitimate intent are issued visas to enter our great nation. We will be working closely with the Department of State to develop the policies, process and procedures to effectively implement this mandate.

- 7) Communicating effectively with Congress and the American public on the operations of the Border and Transportation Security agencies and our ongoing efforts to fulfill the mandates of Congress.

Building on my close relationship with Congress, I fully expect to establish frequent and open communications with appropriate committees and staff to ensure their full understanding of BTS-related issues and initiatives. It is my belief that a well informed Congress makes the best decisions. Likewise, frequent open communication with the American people regarding BTS operations and how we are fulfilling our mandates is the only way to build the public's trust in our ability to secure the nation.

- 8) Reducing the problem areas of INS enforcement, including making necessary adjustments to enforcement priorities and improving management oversight and information technology.

INS has been the focus of considerable criticism over the past several years, and there is a vast library of reports documenting the immigration enforcement problem areas. I have been studying the INS enforcement programs and meeting with INS senior leadership. Options will be considered on a better alignment of responsibilities and missions. With the proper alignment of resources and missions we can leverage the assets we currently have to increase our operational effectiveness and better meet our mandates. Information technology will play a key role in improving our effectiveness requiring close coordination with the Chief Information Officer and the information analysis staff. I have already begun to communicate my requirements to them and to work with them to develop appropriate solutions. Another key player in this effort is the Director of Shared Services, with whom I will work to ensure proper coordination and exchange of information between BTS and the Bureau of Citizenship and Immigration Services.

I should add that as I oversee INS enforcement efforts, I will continue to emphasize the essential nature of immigration services. Homeland Security must be about protecting America – but it is an America that includes those who lawfully come to America to share our freedom, our future and the responsibility to defend this land. We must continue to welcome lawful immigrants even as we take steps to protect our borders from unlawful entries.

Serving as Administrator of the DEA has provided me with valuable experience in managing a federal agency with a substantial budget, significant national and international presence and thousands of employees – experience which will contribute to my ability to achieve the goal of effectively integrating the agencies that fall under the BTS directorate. I have also gained experience by leading DEA in its new areas of responsibility as other federal law enforcement agencies have appropriately reduced their efforts in the counter-drug arena to focus more on counter-terrorism.

During my tenure as Administrator of the DEA, we have contributed to protecting the homeland – namely, disrupting and dismantling some of the sources of terrorist funding by enforcing our drug laws against both foreign and domestic drug traffickers. My service at DEA, in Congress and as a U.S. Attorney has also provided tremendous experience in communicating and working closely with a variety of stakeholders on a regular basis. Should I become the new Under Secretary for Border and Transportation Security, I would certainly continue that practice, communicating regularly with federal, state and local government officials, community groups, transportation industry leaders, shippers and others who will be directly impacted by the operations of the BTS agencies. Certainly, of greatest importance, we must communicate frequently with the nearly 100,000 employees who will transfer into BTS, giving them information, support and motivation to continue their dedicated efforts in shielding this nation from terrorists.

The employees who will transfer into BTS are hardworking men and women who perform critical tasks on a daily basis, and overall, do their jobs exceptionally well. By merging into the new Directorate of Border and Transportation Security, these public servants will not be asked to change what they do from day to day. Rather, their organizational structures will be refocused, consolidated and reorganized so that they can better perform the function of protecting the homeland.

Employees of the Transportation Security Administration will continue to protect our nation's aviation system. U.S. Customs officials will continue to inspect cargo, both for revenue and security purposes. Immigration investigators and deportation officers will continue to target work-place violations and detain and remove illegal aliens. Animal and Plant Health Inspectors will continue to inspect incoming shipments for disease-carrying agricultural products. The Federal Law Enforcement Training Center will continue to train our federal law enforcement officers. Border Patrol agents will continue to prevent the unlawful entry of our country by illegal aliens, and the Federal Protective Service will continue to protect our federal buildings and courthouses. Although these employees carry out many varied responsibilities, they will now go to work each morning

with the constant thought of “what can I do today to protect America from those who hate us and wish us harm?”

Mr. Chairman, I have always believed that the first duty of government is to protect and defend its citizens. A great portion of that responsibility falls on the new Department of Homeland Security. It is a duty I acknowledge, it is a duty I embrace, and it is a duty I fully dedicate myself to fulfilling. Should the Senate confirm my nomination, I am confident that, with the able leadership of the President, Governor Ridge and Secretary England, continued cooperation and guidance from Congress and the support of the fine men and women who will comprise this directorate, we will be able to provide greater security and peace of mind to the American people.

Again, thank you for providing me the opportunity to appear before you today. I would be delighted to answer your questions at this time.